

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MINNESOTA**

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In re: Baycol Products Litigation

UNITED STATES OF AMERICA *ex rel.*  
LAURIE SIMPSON,

Honorable Michael J. Davis  
United States District Court Judge

*Plaintiff,*

v.

BAYER HEALTHCARE  
PHARMACEUTICALS, INC.;  
BAYER CORP.; and  
BAYER A.G.,

MDL No. 1431  
Civil No. 08-5758-MJD-ECW

*Defendants.*

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**JOINT STATUS REPORT**

In accordance with the Court's November 20, 2019 Order (ECF No. 212), Relator Laurie Simpson ("Relator") and Defendants Bayer Healthcare Pharmaceuticals, Inc., Bayer Corp., and Bayer A.G. ("Bayer") (together, the "Parties"), respectfully submit the following Joint Status Report.

Since the last Joint Status Report submitted on November 19, 2019, the Parties have continued to make progress regarding discovery. Specifically, on November 29, 2019, Bayer made its third production of documents in response to Relator's Second Request for Production of Documents, along with a privilege log listing any documents withheld or redacted on the grounds of the attorney-client privilege or work product doctrine. Bayer's production of documents in response to Relator's Second Request for Production of Documents is substantially complete. Bayer is also continuing to meet and confer with the Department of Defense ("DoD") regarding

the subpoena for documents Bayer served on September 24, 2019. Bayer and DoD have discussed ways in which the subpoena could be narrowed as an initial matter and plan to reconvene in mid-January, when DoD will provide an update on its search and collection progress. In addition, on December 6, 2019, Relator made her second production of documents in response to Bayer's First Request for Production of Documents. The Parties have exchanged considerable discovery to date and, after meeting and conferring, have recently agreed on search terms for production of additional ESI in response to Bayer's First Request for Production of Documents. Finally, because the Parties' document production remains ongoing, the Parties are meeting and conferring regarding a potential proposed modification to the scheduling order to extend the fact discovery period.

At this time, the Parties do not believe that there are any discovery issues that require the Court's intervention. The Parties respectfully suggest that they submit a further status report to the Court on March 17, 2020.

Dated: January 6, 2020

Respectfully submitted,

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